

EXHIBIT 189

**I IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.**

1) VIDEO GAMING TECHNOLOGIES, INC.,)
)
)
 Plaintiff,)
)
)
 v.) Case No. 4:17-cv-00454-GKF-JFJ
)
)
 1) CASTLE HILL STUDIOS LLC) **DECLARATION OF JOSH AKINS**
 (d/b/a CASTLE HILL GAMING);)
)
 2) CASTLE HILL HOLDING LLC)
 (d/b/a CASTLE HILL GAMING); and)
)
 3) IRONWORKS DEVELOPMENT, LLC)
 (d/b/a CASTLE HILL GAMING))
)
)
)
 Defendants.)

DECLARATION OF JOSH AKINS

1. I am a senior sales account manager at Video Gaming Technologies, Inc. ("VGT") based out of VGT's office in Tulsa, Oklahoma. I have held this position since I was hired by VGT in September 2008.

2. I am aware of two separate instances of apparent confusion between VGT's games and Castle Hill's games.

3. The first occurred on or around July 27-29, 2015, when I attended the Oklahoma Indian Gaming Association (“OIGA”) annual conference and trade show. I believe that year was the first OIGA where Castle Hill showed its games and that that was when the below incident occurred.

4. In the weeks before OIGA, William Harvey, then a VGT employee (a product owner, who had been with VGT since 2005), asked to shadow Jim Marcum and me at the trade show. Jim and I agreed to let him do so.

5. On the day that Will was shadowing us at QIGA, Jim and I were in the VGT booth talking to customers while we waited for Will to arrive.

6. When Will arrived, he apologized for being late and said something along the lines of "I went to our other booth."

7. When Jim and I asked him to explain what he meant, he said something like "it's right over there" and pointed to Castle Hill's booth.

8. Jim or I then told Will that that booth belonged to Castle Hill, not VGT, and Will said something along the lines of "Their games look just like ours. How can they get away with that?"

9. The second instance occurred in spring or summer 2017, when I received a call from one of my customers, Mickey Ward (Senior Director of Corporate Gaming at Cherokee Nation Entertainment).

10. Mickey told me he was at a competitor's casino and was looking at a game called New Money or something like that.

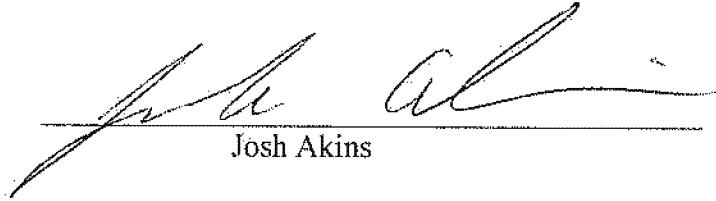
11. Mickey asked why I hadn't told him about this new title, and I asked whether he was being serious or joking.

12. Mickey said that he was being serious, so I explained that New Money is made by Castle Hill, not VGT.

13. Mickey quickly apologized and said something about how he thought that it was a VGT game.

14. Mickey then took a closer look at the game, said that it was in fact a Castle Hill game, and apologized again.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief. Executed this 22 day of January 2018 in Tulsa, Oklahoma.



A handwritten signature in black ink, appearing to read "Josh Akins", is written over a horizontal line. The signature is fluid and cursive.

Josh Akins